



Consumer Advocates Argue for Internet Services Consumer Protections in Federal Court

On Monday, September 9, 2013, The National Association of State Utility Consumer Advocates ("NASUCA"), of which the Office of Consumer Counsel ("OCC") is a founding member, joined with technology companies and state consumer advocates to defend the FCC's open Internet rules against a challenge by Verizon and MetroPCS. The brief for these intervenors was prepared by the Open Internet Coalition, which in addition to NASUCA, includes Google, Netflix, Vonage, Facebook, Amazon, eBay, DISH Network, Paypal, Skype, and Public Knowledge.

The case was argued at the United States Circuit Court for the District of Columbia on Monday before a three-judge panel which will probably rule sometime in the next 6 months and will decide whether the FCC's anti-discrimination language designed to protect Internet service consumers and content providers will continue to impose order in the market. Even if that rule falls, the Court could allow the FCC the authority to impose transparency and prevent blocking-of-service by the telephone/cable providers, together with network management measures to promote equity among all users of the Internet. It is to be hoped that the FCC will be granted sufficient statutory authority to rule in the face of market abuse by the ISPs.

This issue is often raised to the OCC through consumer questions regarding provision of Red Sox or Yankee games in a given area. Such coverage is their decision alone with no regulatory recourse, and of course no buildout requirements which has resulted in many communities in Connecticut and other states with no access to the Internet at all. This is the primary reason for the "digital divide" that is already creating winners and losers, usually in rural or low income communities, with severe long term effects on the people and businesses in those communities.

Indeed, this case reflects an on-going battle since that ruling years ago with the two sides attempting to keep the Internet open and loosely regulated while providing protection for consumers and equal treatment for all providers of services on the Internet.